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Docket No.: M4065.0852/P852  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Peter P. Altice, Jr. et al.

Application No.: 10/721,190

Confirmation No.: 6553

Filed: November 26, 2003

Art Unit: 2622

For: CMOS IMAGER WITH A CAPACITIVE  
STORAGE NODE LINKED TO TRANSFER  
GATE

Examiner: R. M. Bemben

**REQUEST FOR RECONSIDERATION**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 2, 2008, finally rejecting claims 3, 4, 6, 19-21, 23-29, 42, 43, 45, 46 and 48, Applicants respectfully request reconsideration of the above-identified U.S. patent application in light of the following remarks. Claims 3-4, 6, 19-29, 42, 43 and 45-48 are currently pending in this application.

Applicants note that upon allowance of claims 3 and 42, at least claims 5 and 7; and 44 which depend from claims 3 and 42, respectively, and any other claims which require all of the limitations of any allowed claim, should be rejoined and fully examined for patentability in accordance with 37 C.F.R. § 1.104, M.P.E.P. § 821.04(a).

Claims 3, 6, 19, 20, 23-29, 42, 43, 45, 46 and 48 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim et al. (U.S. Patent No. 6,731,335) ("Kim") in view of Bailey et al.